GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

HM&FW Department - Compliance of orders dt:25.09.2019 of Hon'ble High Court of A.P., in WPNo.129098/2019 filed by Dr.S.Satya Babu & 9 others, Retried Doctors / Employees in Ayush Department with regard to treat the period of temporary service rendered by them from the date of their respective appointments, till the date on which their service for calculating their pension and also 8/16 years scale under automatic advance scheme - Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (F.1) DEPARTMENT

G.O.Rt.No.442 **Dated:08.06.2022.**

Read the following:-

1. From the Assistant Registrar, High Court of A.P., Order, dt:25.09.2019 in WP.No.12098/2019.
2. From the Commissioner of AYUSH, A.P, Lr.No.12662/Ayur.2/B1/10, Dt:13.05.2020 &17.02.2021.

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O R D E R:-

In the reference 2nd read above, the Commissioner of AYUSH., A.P., Vijayawada has stated that the Hon'ble High Court of Andhra Pradesh in its orders dated:25.09.2019 in W.P.No.12098/2019 filed by Dr.S.Satya Babu & 9 others has directed that to implement the order dated:30.05.2012 passed in OA No.7071 of 2010, as expeditiously as possible preferably within a period of three weeks from today.

(Contd..2)

2. The Commissioner, AYUSH., A.P., has also stated that, in pursuance of the orders issued by the Hon'ble APAT., Hyderabad, dated:15.09.1992, vide G.O.Ms.No.478, HM & FW (I2) Dept., dated:20.09.1994, Government have issued orders for regularization of the services of Daily Honorarium Medical Officers, subject to outcome of SLP pending in Hon'ble Supreme Court. Accordingly, the services of (518) DHMOS (Ayurveda/Homoeo/Unani) have been regularized w.e.f.20.09.1994

3. The Commissioner, AYUSH., A.P., has further stated that, vide G.O.Ms.No.417, HM & FW Department, dated:29.10.1996, Government have issued orders that, the arrears of salary be paid to the DHMOS ie., the petitioners in review petition No's 7918 to 7940/89 and other batch cases (after deducting the honorarium already paid to them) w.e.f., 01.04.1990, in compliance with the orders of the Hon'ble APAT, dated:15.09.1992, subject to the conditions stipulated therein. Accordingly, all the DHMOS (Ayurveda/Homoeo/Unani) have been paid the arrears from 01.04.1990 to 19.09.1994.

4. Government have issued orders vide G.O.Ms.No.34, HM & FW (I2) Department, dated:24.02.2003, that the services rendered by the DHMOS in IM & H., w.e.f, 01.04.1990 for pensionary benefits as per A.P. Revised Pension Rules, 1980.

5. Finally, the Commissioner, AYUSH., A.P., has requested the Government to examine the contents of the case in view of the orders of Hon'ble High Court of A.P., in WP No.12098/2019 filed by Dr. S. Satya Babu and 9 others on with the order of Hon'ble APAT in OA No.7071/2010, dated:30.05.2012 and OA.No.1807/2012 dated:30.03.2012.

6. In the order dated:30.05.2012 in OA No.7071/2010, the Hon'ble APAT has given direction, the extract (operative portion) are as follows:

> "Therefore, this O.A., is also allowed in terms of the orders passed by this Tribunal in OA No.1807/2012 dated:30.03.2012 by directing the respondents to treat the period of temporary service rendered by the applicants from the date of their initial appointment till the date on which their services were regularized as qualifying service for calculating their pension and also for granting 8/16 years scales under Automatic Advancement Scheme. No order as to costs".

7. Further the Hon'ble High Court of A.P. on 25.09.2019 has passed the following order in WP No.12098/2019, filed by Dr.S.Satya Babu & 9 others, Retried Doctors/Employees in Ayush Department, the extract are as follows.

(Contd..3)

"The order, dt.30.05.2012 passed in OA No.7071 of 2010 by the Tribunal attained finality. If that being so, this court does not find any justification on the part of the respondents in not taking action in terms of the order dt.30.05.2012 passed in OANo.7071/2010 by the Tribunal. For the aforesaid reasons, the w.p. is disposed off directing the respondents (Prl.Secy., HMFW, Commr. of Ayush) to implement the order dt:30.05.2012 passed in OANo.7071 /2010, as expeditiously as possible preferably within a period of three weeks from today.

8. After careful examination of the matter, Government hereby decide and accord permission to the Commissioner of Ayush, A.P., Vijayawada, for implementation of the orders dt:30.05.2012 in O.A.No.7071/2010 of the A.P.A.T., as directed by the Hon'ble High Court of A.P. order dt:25.09.2019 in WP.No.12098/2019 filed by Dr.S.Satya Babu & 9 others, Retried Doctors/Employees in Ayush Department, for treating the period of temporary service rendered by the applicants from the dates of their initial appointments, till the date on which their services were regularized as qualifying service for calculating their pension and also 8/16 years' scales under automatic advancement scheme, to avoid further legal complications.

9. The Commissioner of AYUSH, A.P., Vijayawada shall take necessary further action accordingly in the matter.

10. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/48/2021(Computer No.1388719), dt:12.04.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVI CHANDRA
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Commissioner of Ayush, A.P., Gollapudi, Vijayawada.
Copy to:
The Pay and Accounts Officer, A.P., Ibrahimpatnam, Vijayawada.
The Director of Treasures & Accounts, Ibrahimpatanam, Vijayawada.
The District Treasury Officer, Guntur, Guntur District.
The Finance (HR.I-Plg.&Policy) Department.
The Law Department.
The OSD to Minister (HFW & ME).
The P.S to Prl.Secy.to Govt., HM&FW Department.
Sf/Sc (Computer No.1041287).

// FORWARDED :: BY ORDER //

SECTION OFFICER